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January 7, 2005

BY HAND

Susan Farbstein, Civil Clerk
United States District Court for
The District of Massachusetts
Moakley U.S. Courthouse
1 Courthouse Way
Boston, MA 02210

***Re: Keith Kilelee v. Dow Chemical Company
04-CV-12130 MEL***

Dear Ms. Farbstein:

In accordance with our discussions, and on your recommendation, I submit this letter to assert the opposition of Defendant, The Dow Chemical Company ("Dow"), to the Plaintiff's request to revive this case and Dow's Motion to Dismiss ("Motion") in order to submit a tardy "answer" to the Motion.

Pursuant to Local Rule 7.1, Plaintiff had a prescribed period in which to oppose the Motion. During that period he neither submitted an opposition nor sought an extension of time in which to do so. This Court already has granted the Motion, docketed its Order so ruling, and terminated the case. Under the circumstances, Plaintiff should not be allowed to revive this case to respond to the Motion. Further, Dow reserves all rights to oppose any Complaint hereafter filed by the Plaintiff on any and all factual, legal, and procedural grounds available to Dow.

Thank you for your attention to this matter. Please do not hesitate to call me if you have any questions.

Sincerely yours,

SEYFARTH SHAW LLP

Kristin G. McGurn

cc: Sara A. Arons, Esq.
David G. Prentiss, Esq.
Lisa J. Damon, Esq.